

Message Text

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47 41

ACTION EB-11

INFO OCT-01 ISO-00 L-03 CAB-09 CIAE-00 COME-00 DODE-00

INR-10 NSAE-00 RSC-01 FAA-00 IO-13 SS-15 NSC-10 PRS-01

EUR-25 DRC-01 /100 W

----- 046027

P 240930Z SEP 73

FM AMEMBASSY ROME

TO SECSTATE WASHDC PRIORITY 929

LIMITED OFFICIAL USE ROME 10064

E.O. 11652: N/A

TAGS: ETRN, IT

SUBJECT: CIVAIR - REQUEST FOR CAPACITY CONSULTATIONS

REF: (A) STATE 187336; (B) ROME 10051

1. EMBASSY HAS PHOTOCOPY OF ORIGINAL ITALIAN VERSION OF 1970 MEMORANDUM OF UNDERSTANDING (MOU). IT IS SIGNED BY JOHN S. MEADOWS FOR US AND GENERAL S.A. FELICE SANTINI FOR ITALY AS CHAIRMEN OF RESPECTIVE DELEGATIONS. EACH PAGE IS INITIALED BY BOTH PARTIES AND EACH PEN AND INK CORRECTION --THREE ARE SEVERAL-- IS LIKEWISE INITIALED. TEXT OF CONTROVERSIAL PARA 5 OF MOU SENT REF (B).

2. IN COMPARING TEXTS OF PARA 5 OF MOU. EMBASSY NOTES FOLLOWING IN ITALIAN VERSION:

(A) SUBPARA (A) REFERS ONLY TO SCHEDULES AND DOES NOT MENTION CAPACITY;

(B) SUBPARA (B) REFERS ONLY TO CAPACITY WITHOUT THE WORD QTE INCREASE UNQTE; EVEN THOUGH QTE CAPACITY UNQTE ADDED AS PEN AND INK CORRECTION IN FIRST PART OF SUBPARA.

(C) SUBPARA (C) REFERS TO INCREASE IN CAPACITY;
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(D) SUBPARA (D) REFERS TO CAPACITY ONLY;

(E) SUBPARA (E) REFERS TO INCREASE IN CAPACITY.

3. MFA HAS ADVISED EMBASSY THAT CONSULTATIONS WILL COVER BOTH PASSENGER AND CARGO CAPACITY. IF ITALIAN AND ENGLISH TEXTS WERE IDENTICAL, CIVILAVIA WOULD BE PREPARED TO ARGUE THAT A TWO PERCENT INCREASE, ALTHOUGH SMALL, IS STILL AN INCREASE AND THAT SIZE OF INCREASE IS NOT QUALIFIED IN MOU. WHETHER INCREASE IS QTE EXCESSING UNQTE IN TERMS OF SUBPARA (B) IS MATTER OF JUDGEMENT ON PART OF ITALIAN OR US AUTHORITIES BASED ON QTE ANTICIPATED TRAFFIC REQUIREMENTS UNQTE.

4. AS EMBASSY INTERPRETS ENGLISH TEST OF PARA 5(B) OF MOU, NEITHER USG NOR GOI HAS OPTION OF DECLINING TO CONSULT ONCE SUCH REQUEST IS MADE BY OTHER PARTY IF, IN FACT, SCHEDULES PROVIDE FOR A CAPACITY INCREASE. ACCORDING TO MOU, DEADLINE FOR BEGINNING CONSULTATIONS IS SEPTEMBER 29. IF USG IS TO EXPECT GOI TO OBSERVE DEADLINES SPECIFIED IN MOU AND BILATERAL, THEN IT NECESSARY THAT USG MEET THIS DEADLINE. PLEASE ADVISE ASAP. VOLPE

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